

## **URGENCY ORDINANCE NO. 2022-19**

### **AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, TO PROVIDE OBJECTIVE STANDARDS PERTAINING TO DEVELOPMENT REGULATIONS FOR URBAN LOT SPLITS AND TWO-UNIT RESIDENTIAL DEVELOPMENT IN SINGLE-FAMILY ZONES TO IMPLEMENT SENATE BILL 9 AND DECLARING THE ORDINANCE TO BE AN URGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION**

**WHEREAS**, the City of Encinitas, pursuant to its police power, may enact regulations for the public peace, morals, and welfare of the City;

**WHEREAS**, in 2019 the State of California Legislature declared that “California has a housing supply and affordability crisis of historic proportions;”

**WHEREAS**, on September 16, 2021, Governor Newsom signed into law Senate Bill 9 (“SB 9”), entitled the “California Home Act”. Among other provisions, this bill adds Sections 65852.21 and 66411.7 to the Government Code and becomes effective on January 1, 2022;

**WHEREAS**, SB 9 requires cities and counties to ministerially approve a parcel map for an urban lot split and/or a proposed housing development containing a maximum of two residential units within a single-family residential zone, if the two-unit or subdivision project meets certain statutory criteria;

**WHEREAS**, state law allows a local agency to adopt an ordinance to implement the provisions in SB 9;

**WHEREAS**, The City of Encinitas has implemented land use policies based on the City’s General Plan, which provide an overall vision for the community and balance important community needs, and the City seeks to ensure that SB9 projects are consistent with those policies;

**WHEREAS**, during the effective term of Urgency Ordinance No. 2021-25, City staff prepared the application forms and checklists for SB9 project submittals and developed a website and FAQ with information on SB 9;

**WHEREAS**, on January 26, 2022, the City Council adopted Urgency Ordinance No. 2022-04, which extended Urgency Ordinance No. 2021-25 to December 15, 2022;

**WHEREAS**, on December 15, 2021, the City Council of the City of Encinitas, conducted a public hearing and adopted Resolution No. 2021-120, initiating amendments to the Encinitas Municipal Code, Specific Plans and Local Coastal Program (“LCP”) pertaining to Two-Unit Development and Urban Lot Split regulations;

**WHEREAS**, on March 9, 2022, a Joint Session of the City Council and Planning Commission was held to discuss development of objective design and development regulations related to the implementation of SB9;

**WHEREAS**, on June 16 and June 29, 2022 Planning Commission Study Sessions were held staff presented additional information and gathered additional input on draft objective design and